

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

DINA CAPITANI)
)
Plaintiff)
)
v.)
)
WORLD OF MINIATURE BEARS, INC.,)
individually, and d/b/a MINIBEARGEMS,)
and MINI BEAR GEMS, and)
MINIBEARSGEMS & GIFTS, INC.,)
individually, and d/b/a MINIBEARGEMS)
and MINI BEAR GEMS)
)
Defendants.)

**WORLD OF MINIATURE BEARS, INC.'S MOTION FOR SUMMARY JUDGMENT
REGARDING COPYRIGHT INFRINGEMENT**

COMES NOW, the Defendant, World of Miniature Bears, Inc., by and through counsel, and hereby submits this Motion for Summary Judgment asking the court to find that it has not copied any copyrighted work of Plaintiff Dina Capitani and, therefore, is not a copyright infringer. World of Miniature Bears, Inc. sells collectible bears at wholesale to retail dealers throughout the world. It never sold wall clocks or any other home decor items. Plaintiff Capitani cannot prove an essential element of proof, that World of Bears, Inc. copied her illustrations. Therefore, Defendant World of Miniature Bears, Inc. requests an order granting summary judgment and denying Plaintiff Capitani's claims of copyright infringement.

In support of this motion, a memorandum of law, affidavit, and statement of undisputed facts are attached.

Respectfully submitted,

/s/ John A. Beam
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CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2020, I electronically filed the World of Miniature Bears, Inc. Motion for Summary Judgment with the Clerk of this Court using the CM/ECF system which will automatically send email notification of such filing to the following parties who are CM/ECF participants:

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